

Exhibit O
Deposition Exhibit 38

File No.

SEARCH WARRANT

STATE OF NORTH CAROLINA

BLADEN County

In The General Court Of Justice
District/Superior Court Division

IN THE MATTER OF

29 Third St. Dublin, NC 28332

Date Issued
05/28/2015Time Issued
7:00 ☐ AM ☒ PMName Of Applicant
Capt. Jeffery Tyler

Name Of Additional Affiant

Name Of Additional Affiant

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received
5/28/2015Time Received
7:05 ☐ AM ☒ PMDate Executed
5/29/2015Time Executed
10:14 ☒ AM ☐ PM☒ I made a search of

29 Third ST

Dublin NC

Date
5-29-15

Signature

Sam Bell

☐ Deputy CSC☐ Assistant CSC☐ CSC☐ Magistrate☐ District Ct. Judge☒ Superior Ct. Judge

as commanded.

☒ I seized the items listed on the attached inventory.☐ I did not seize any items.☐ This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return

Department Of Agency Of Officer

Bladen Co Sheriff's Office

Incident Number

2015-1187

Date

5-29-15

Time

3:40

☐ AM☒ PM

Signature

Carmen Williams

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior CourtAOC-CR-119, Rev. 9/02
©2002 Administrative Office of the Courts

(Over)

Assistant, Deputy Clerk Superior Court

EXHIBIT

38

tabbles

8-30-17

00031

A TRUE COPY

This Search Warrant was returned to me on the date and time shown below.

CLERK OF SUPERIOR COURT

BLADEN COUNTY

APPLICATION FOR SEARCH WARRANT

I, Captain Jeffery Tyler

(Insert name and address; or if law enforcement officer, name, rank and agency)

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that (Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)

SEE AFFIDAVIT

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime) Illegal Gambling

and is located (Check appropriate box(es) and fill-in specified information)

☒ in the following premises (Give address and, if useful, describe premises)

SEE AFFIDAVIT

(and)

☒ on the following person(s) (Give name(s) and, if useful, describe person(s))

SEE AFFIDAVIT

(and)

☐ in the following vehicle(s) (Describe vehicle(s))

(and)

☒ (Name and/or describe other places or items to be searched, if applicable)

SEE AFFIDAVIT

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

SEE AFFIDAVIT

SWORN AND SUBSCRIBED TO BEFORE ME

Date

5/28/15

Date

5-28-15

Signature of Applicant

Signature

[Signature]

[Signature]

☐ Magistrate

☐ Dep. CSC

☐ Asst. CSC

☐ Clerk of Superior Court

☒ Judge

☒ In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by Captain Jeffery Tyler

☒ In addition to the affidavit included above, this application is supported by sworn testimony, given by Captain Jeffery Tyler

This testimony has been (check appropriate box) ☒ reduced to writing

☐ tape recorded and I have filed each with the clerk.

NOTE: If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

FILED

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON
IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE
BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND
HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT
ENTRANCE DOOR.

I, J. L. Tyler, being duly sworn, depose and say:

I am a law enforcement officer, being employed by the Bladen County Sheriff's Office,
I am the Captain supervising the Criminal Investigations Division and have been a sworn law
enforcement officer for over 21 years. I have been awarded the Advanced Law Enforcement
Certification from the North Carolina Sheriffs Education and Training Standards Commission. I have
earned a Bachelor of Science Degree in Criminal Justice Administration from Mount Olive College. I
have also earned an Associate in Applied Science Degree in Criminal Justice Technology from
Bladen Community College. I have received training in, Criminal Investigation at Johnston
Community College, Robeson Community College, Bladen Community College, the Federal Law
Enforcement Training Center and the Mid Atlantic Narcotics Training Academy in Atlantic Beach,
NC. I have conducted investigations concerning Murders, Death Investigations, Breaking and
Entering, Larceny, Financial Crimes, Assaults, and Child Sex Cases.

Prior to April 29, 2015, the office of Sheriff of Bladen County received a number of citizen reports
complaining of illegal gaming activities occurring in a premises identified as Aladdin in Dublin,
Bladen County, North Carolina, including reports of the operation of gaming machines which
provided card games, keno, and other illegal games. Also reports were also received from local
churches complaining that citizens would partition the churches for money, stating they had lost their
money at the Aladdin and could not support their families.

On April 29th 2015, the Bladen County Sheriff's Office, with assistance from the Cumberland
County Sheriff's Office initiated an investigation into the allegations of illegal gambling operations
in violation of North Carolina Statue 14-292. Gambling, 14-304. Manufacture, sale, etc. of slot
machines or devices, 14-305. Agreements with reference to slot machines or devices made unlawful,
14-306.1A. Types of machines and devices prohibited by law, 14-306.4 Electronic machines and
devices for sweepstakes prohibited; and other violations of Part 1 of Article 37 A of the North
Carolina General Statues.

SWORN AND SUBSCRIBED BEFORE ME
THIS 28 DAY OF May, 2015.

Affiant

BCSO 0205
Rule 26(a)(1)

Superior Court Judge

Time

Page 3 of 11

A TRUE COPY
CLERK OF SUPERIOR COURT
BLADEN COUNTY

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

FILED

AFFIDAVIT

2015 JUN 2 3 45
BLADEN COUNTY, NC
.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON
IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE
BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND
HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT
ENTRANCE DOOR.

During the investigation into the operations of illegal gambling in the Bladen County area,
Bladen County Sheriff's Office personnel identified Jeffrey S Smith as an owner and operator of
Cybernet LLC, DBA Aladdin Sweepstakes, who operates a gaming location in Bladen County and is
located at 29 Third Street, Dublin NC 28332

Bladen County tax records indicate that Jeffrey S Smith is an owner of Aladdin Sweepstakes located
at 29 Third Street Dublin, NC 28332.

These records indicated PO Box 554 Dublin, NC 28332 as the mailing address for Jeffrey S Smith.

Observation and investigation by members of the Bladen County Sheriff's Office have shown that the
business located at 29 Third Street, Dublin NC 28332 is named Aladdin Sweepstakes. Aladdin Real
Estate, LLC, is a business registered with the North Carolina Secretary of State as a corporation in
which Jeffrey S Smith is the registered agent.

The investigation revealed that illegal video gaming devices and illegal gambling machines and
games are being operated at Aladdin Sweepstakes located at 29 Third Street, Dublin NC 28332.
Personnel of the Cumberland County Sheriff's Office have observed and played the illegal games as
part of an undercover investigation at the location. Within the past 72 hours undercover operatives
and/or surveillance have revealed the presence and operation of illegal video gaming devices and
games at the location.

On Tuesday May 26th, 2015, at approximately 10:27 am an undercover Agent of the
Cumberland County Organized Crime Unit (hereafter referred to as OCU), conducted an
undercover operation on an underground gambling business located at 29 3rd Street known as
Aladdin Sweepstakes as well as a business known as Lil Aladdin located at 34 3rd Street in
Dublin, NC which is located in Bladen County.

The undercover Agent photographed \$100 of Bladen County Special Funds Money and drove to
29 3rd Street Dublin, NC which is at the intersection with Highway 87 South. At approximately
10:27am the undercover Agent arrived at the business and pulled the CCSO undercover vehicle

SWORN AND SUBSCRIBED BEFORE ME

THIS 20 DAY OF May, 2015.

Affiant

Superior Court Judge

Time

Page 4 of 11

BCSO 0206
Rule 26(a)(1)

A TRUE COPY
CLERK OF SUPERIOR COURT
BLADEN COUNTY

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT ENTRANCE DOOR.

in front of the business and parked. The business has a large sign with "Aladdin Sweepstakes" above the door. The undercover Agent walked to the front door with a tinted window and rang the doorbell. Moments later the undercover Agent pulled on the door handle and the door opened.

The undercover Agent walked into the business and observed 25 sweepstakes monitors which appeared to be operational as well as several large computers on the counters next to the flat screen computer screens. The undercover Agent walked to the second room of three and stepped to the center bar area. In this room the undercover Agent observed 20 Sweepstakes machines some of which had the flat screen monitors mounted in Video Gaming Machine (VGM) cabinets. The monitors in this room had the words "Blue Diamond" on the screen. At the bar were four computers and an Indian female who has positively identified as Sonya Silva. The undercover Agent had previously met Silva at the gambling business across the street known as Lil Aladdin on several occasion.

The undercover Agent asked Silva what she was doing there and Silva replied she worked both locations. The undercover Agent handed Silva \$20 of Bladen County SFA's and a NC driver's license. Silva took the Agent's license and imputed the Agent's license number into the computer. The undercover Agent walked into the third room and attempted to log into one of the computers but was unable to. The undercover Agent walked back to the counter and waited for Silva to come assist the Agent with logging in. Silva then walked into the back room and logged the Agent into one of the computers. After playing the game Double Wilds Triple on the computer the undercover Agent hit the "redeem" button on the computer screen. The undercover Agent then walked to the counter in the second room to receive his winnings. The undercover Agent was paid out thirteen dollars in US Currency by Silva. The undercover Agent then exited out of the front door.

The undercover Agent then got into a Cumberland County vehicle and drove directly across the street to 34 3rd Street which is the business on the far right of the shopping center and has a name

SWORN AND SUBSCRIBED BEFORE ME
THIS 28 DAY OF May, 2015.

Affiant

Superior Court Judge

Time

A TRUE COPY

CLERK OF SUPERIOR COURT
BLADEN COUNTY

Page 5 of 11

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT ENTRANCE DOOR.

of "Lil Aladdin". The undercover Agent walked in and towards the back where a white female was sitting behind the counter. The female has been positively identified as Brittney Meshaw Heverly. The undercover Agent had met Heverly at the gambling location across the street. Heverly asked the undercover Agent if the Agent had ever been to this location. The undercover Agent replied "Yes" and handed Heverly, a NC Driver's License as well as twenty dollars in SFA moneys. Heverly was unable to locate the Agent in the computer system and asked the Agent when the Agent had been to this location. The undercover Agent advised a week or so prior. Heverly stated they had changed software providers because the provider they used was leaving the state and they had gotten new gambling software. The undercover Agent asked which software the business had used prior and Heverly stated "Frontier". Heverly advised the undercover Agent the new software was named "Land of Aladdin" and she would have to enter the undercover Agent into the computer system. Heverly then walked the Agent to one of the computer screens and helped the undercover Agent log into the new software. Heverly then explained to the undercover Agent the new software allowed the undercover Agent to purchase merchandise online if desired although that was not necessary to play the games or receive winnings from the gambling. The undercover Agent sat down and played several games as well as clicked the computer mouse on the online store to view the merchandise. The undercover Agent attempted to purchase a bicycle however to purchase using credit the undercover Agent would have to use email addresses as well as other information. The undercover Agent played "Luck o the Irish" and "Aladdin" games which are slot machine style games with scrolling wheels. The undercover Agent then went to the counter to cash out. Heverly paid out the undercover Agent eleven dollars in US currency. The undercover Agent then asked Heverly what the gambling business across the street was going to do reference their software. Heverly advised Aladdin's would be switching to Land of Aladdin software soon. The undercover Agent then exited the business and departed the area.

This affiant has probable cause to believe that such illegal gaming operations are and will be continuing and that such devices and games will be found at the location to be searched.

SWORN AND SUBSCRIBED BEFORE ME
THIS 28 DAY OF May, 2015.

[Signature]
Superior Court Judge

7:00 PM
Time

A TRUE COPY
CLERK OF SUPERIOR COURT
BLADEN COUNTY

Page 6 of 11

[Signature]
Affiant

2015 JUN -2 P 3:45
BLADEN COUNTY C.S.C.

FILED

00036

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT ENTRANCE DOOR.

Information obtained from the undercover operation have clearly shown that gambling operations involving video slot machines, or similar devices proscribed under Chapter 14 of the North Carolina General Statutes, viz., illegal gaming operations, are primarily a cash operation, but also involve various types of computer devices, as well as paper records, and the like. This information, which has been corroborated, and this training, establishes that cash, receipts, ledgers, journals, documents, gaming devices and the like, are frequently and regularly retrieved from the gambling locations.

The nature of the gambling operations surveilled and investigated requires that the owner/operator maintain cash on hand or that is readably accessible to payout winners and other expenses. Such gaming operations often maintain large amounts of cash, but remove amounts of cash in order to avoid robberies and the like, but may often have a cachet of cash for payouts and other expenses and such cache is used not only as an instrumentality of the crime, but is typically and regularly generated as a fruit of the crime, often hidden in various small enclosures, safes, cabinets, drawers, and other enclosures. Gambling operations create records and documents that detail daily tally and receipts within the organization. These receipts and records are kept electronically, digitally, as in journals, ledgers, and separate papers and other documents.

Gambling operations involving internet sweepstakes are often billed by vendors or suppliers by email, electronically or digitally communicated records or files.

In addition, such gaming operations use, computers, peripherals, digital or electronic media, automated teller machines, money counting devices, smartphones, and other devices to facilitate the gaming operations and to supply communications and records.

The location to be searched have deployed and continue to use counter surveillance equipment such as video cameras, monitors, hard drives, modems, and communications equipment to conduct and aid and abet the illegal gaming operations.

The activities and pattern of conduct observed, involving Jeffrey S Smith, and his employees have been shown to be consistent with the patterns and customs and practices of those involved in illegal gaming operations, and in light of the fact that members of the Cumberland County Sheriff's Office
SWORN AND SUBSCRIBED BEFORE ME
THIS 29 DAY OF Aug, 2015.

Affiant

S. S. R.
Superior Court Judge
A TRUE COPY
CLERK OF SUPERIOR COURT
BLADEN COUNTY

7:00 PM
Time

Page 7 of 11

Case 1:16-cv-00016-RJ

Document 97-16

00032

Filed 03/30/18

Page 8

BCSO 0209
Filed 06(a)(1)

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT ENTRANCE DOOR.

operating in an undercover capacity have personally seen and observed the illegal gaming activity at the Aladdin Sweepstakes owned and/or operated by Jeffrey S Smith and his agents.

The information sought is relevant and material to an ongoing criminal investigation that the Bladen County Sheriff's Office is conducting and will further produce evidence and reveal actions and activities conducted in violation of N.C. General Statute § 14-292. Gambling, § 14-304. Manufacture, sale, etc., of slot machines and devices, § 14-305. Agreements with reference to slot machines or devices made unlawful, § 14-306.1A. Types of machines and devices prohibited by law, § 14-306.4 Electronic machines and devices for sweepstakes prohibited; and other violations of Part 1 of Article 37 A of the North Carolina General Statutes; and that there is probable cause to believe that evidence of the commission of these and other criminal acts as well as fruits and instrumentalities of the crime will be found in the place and the property to be searched.

Based on the totality of the circumstances, a search warrant should be granted to search the location indicated and to seize the items of property indicated and further to search such items, including, but not limited to, documents, records, computer devices, files, and the like, and further, this affiant submits that should the court authorize the search warrant for this location and this property, Bladen County Sheriff's Office personnel may locate and seize a quantity of illegal video gaming instruments, proceeds of illegal gaming, documents showing facilitation and ownership.

Location to be Searched

SWORN AND SUBSCRIBED BEFORE ME
THIS 28 DAY OF May, 2015.

Affiant

Superior Court Judge

Time

A TRUE COPY

CLERK OF SUPERIOR COURT
BLADEN COUNTY

Page 8 of 11

00038

Case 1:15-cv-00016-RJ
Assistant, Deputy Clerk Superior Court

Document 97-16 Filed 03/30/18 Page 9 of 10

BCSD 0210
Rule 26(a)(1)

FILED

2015 JUN -2 P 3:45

BLADEN COUNTY, C.S.C.

(
(STATE OF NORTH CAROLINA)
(COUNTY OF BLADEN)
()

AFFIDAVIT

.... SEARCH WARRANT IN THE MATTER OF JEFFREY S SMITH OR ANY PERSON IN CONTROL OF ALADDIN SWEEPSTAKES, 29 THIRD STREET DUBLIN, NC. THE BUSINESS IS TAN BUILDING WITH GOLD TRIM WITH A RED CENTER WALL AND HAS SIGNAGE IDENTIFYING AS ALADDIN SWEEPSTAKES ABOVE THE FRONT ENTRANCE DOOR.



Items to be Seized and Searched

SWORN AND SUBSCRIBED BEFORE ME
THIS 28th DAY OF May, 2015.

2015 JUN -2 P 3:46
BLADEN COUNTY C.S.C.
BY JL Tyler
Affiant

[Signature]
Superior Court Judge

7:00 PM
Time

A TRUE COPY

CLERK OF SUPERIOR COURT
BLADEN COUNTY

Page 9 of 11

00039